

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

SIXTY-FIRST LEGISLATIVE DAY
FRIDAY, MARCH 7, 2008

House of Representatives

The House convened at 10:00 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Luker. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Narciso Lopez, Page.

Approval of Journal

March 7, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixtieth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

March 6, 2008

Mr. Speaker:

I transmit herewith **S 1434, S 1456, S 1457, S 1459, and S 1458** which have passed the Senate.

WOOD, Secretary

S 1434, S 1456, S 1457, S 1459, and S 1458 were filed for first reading.

March 6, 2008

Mr. Speaker:

I return herewith **H 389**, as amended, **H 555, H 379, H 493, H 522, H 523, H 496**, as amended, **H 338, H 339, H 371, H 456, H 417**, as amended, and **H 399** which have passed the Senate.

WOOD, Secretary

H 389, as amended, **H 555, H 379, H 493, H 522, H 523, H 496**, as amended, **H 338, H 339, H 371, H 456, H 417**, as amended, and **H 399** referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 6, 2008

Mr. Speaker:

I return herewith **H 384**, which has failed to pass the Senate.
WOOD, Secretary

H 384 was ordered filed in the office of the Chief Clerk.

Report of Standing Committees

March 7, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **H 602, H 603, and H 604**.

CLARK, Chairman

H 602 and H 603 were referred to the Transportation and Defense Committee.

H 604 was referred to the Resources and Conservation Committee.

March 7, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 37, H 392, H 393, H 394, H 428, H 446** as amended, and **H 465**.

CLARK, Chairman

The Speaker announced he was about to sign enrolled **HCR 37, H 392, H 393, H 394, H 428, H 446**, as amended, and **H 465**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 6, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 537 and H 557** to the Governor at 2:30 p.m., as of this date, March 6, 2008.

CLARK, Chairman

March 6, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 38** to the Secretary of State at 11:26 a.m., and **HCR 44, HCR 46, and HCR 47** to the Secretary of State at 2:30 p.m. as of this date, March 6, 2008.

CLARK, Chairman

March 6, 2008

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 581 and H 602** and recommend that they do pass.

WOOD, Chairman

H 581 and **H 602** were filed for second reading.

March 7, 2008

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that **S 1429** be returned to the Desk for re-referral.

NONINI, Chairman

S 1429 was filed for second reading.

March 6, 2008

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **HCR 42** and recommend that it do pass.

BLOCK, Chairman

HCR 42 was filed for second reading.

March 6, 2008

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **HCR 50** and report it back with amendments attached to be placed on General Orders for consideration.

WOOD, Chairman

HCR 50 was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 56

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND STATING THAT PEOPLE WITH MENTAL ILLNESS NOT UNDER SUPERVISION OF THE DEPARTMENT OF CORRECTION SHOULD NOT BE HOUSED IN CORRECTIONAL FACILITIES, AND STATING THAT A SEPARATE SECURE MENTAL HEALTH FACILITY SHOULD BE ESTABLISHED FOR THE SERIOUSLY MENTALLY ILL NOT CONVICTED OF CRIMES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Idaho's prisons are facilities designed and operated to confine, punish and rehabilitate those who have been convicted of serious crimes; and

WHEREAS, prison facilities require conditions such as guards, prison issued clothing, censorship of inmate mail, lockdowns, restricted visitation by relatives and friends, restricted communications, confinement, restricted personal possessions, and stark surroundings; and

WHEREAS, many of these conditions are not necessary for the treatment of severe mental illness, and may interfere with the successful treatment of mental illness; and

WHEREAS, commitment to a prison facility carries significant and detrimental stigma in addition to the stigma of mental illness; and

WHEREAS, housing convicts with mental illness with patients who have not been convicted of a crime will inevitably expose patients to the prison population, associated risks and environment; and

WHEREAS, the state of Idaho lacks adequate facilities for the treatment of the seriously mentally ill whether convicted of a crime or not and has declared its intent to build a secure mental health facility; and

WHEREAS, it is not the policy of the state of Idaho to incarcerate people with mental illness who have not been convicted of a crime or otherwise charged with the commission of a violent crime, or to require them to live in a prison facility in order to receive treatment for their mental illness.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the state of Idaho should not use prison facilities for the treatment or confinement of people with mental illness who have not been convicted of a crime or charged with the commission of a violent crime, and that a separate secure facility for the treatment of people whose mental illness and behavior pose an unusual risk of injury to themselves or to others and who therefore require a higher level of security should be established under the administration of the Department of Health and Welfare, and that such facility should not be located within or as part of the grounds or buildings used as prison facilities for the punishment of persons convicted of crimes.

HCR 56 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 605

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO WATER; AMENDING SECTION 42-201, IDAHO CODE, TO PROVIDE FOR CERTAIN DIVERSION OF WATER, TO PROVIDE THAT WATER MAY BE USED FOR SPECIFIED FOREST PRACTICES AND FOREST DUST ABATEMENT WITH OR WITHOUT A WATER RIGHT, TO PROHIBIT THE DIVERSION OF CERTAIN WATER, TO PROVIDE FOR NOTICES OF INTENT TO DIVERT AND TO PROVIDE FOR PETITIONS FOR CESSATION OR MODIFICATION OF CERTAIN USES TO PREVENT INJURY TO WATER RIGHTS.

HOUSE BILL NO. 606

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO IMPLEMENTATION OF THE FEDERAL REAL ID ACT OF 2005; STATING FINDINGS OF THE LEGISLATURE; AND AMENDING CHAPTER 3, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-322, IDAHO CODE, TO STATE FINDINGS OF THE LEGISLATURE, TO DIRECT THE IDAHO TRANSPORTATION BOARD AND THE IDAHO TRANSPORTATION DEPARTMENT NOT TO IMPLEMENT THE PROVISIONS OF THE REAL ID ACT OF 2005 AND TO REQUIRE REPORTING TO THE GOVERNOR AND THE

CONSTITUTIONAL DEFENSE COUNCIL OF ATTEMPTS BY FEDERAL AGENCIES TO SECURE IMPLEMENTATION OF THE FEDERAL ACT.

HOUSE BILL NO. 607
BY EDUCATION COMMITTEE
AN ACT

RELATING TO PUBLIC SCHOOL FUNDING; AMENDING SECTION 33-1002B, IDAHO CODE, TO REVISE THE BASIS FOR CALCULATING PUPIL TUITION-EQUIVALENCY ALLOWANCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-1006, IDAHO CODE, TO DELETE AN ALLOWABLE COST ON WHICH THE TRANSPORTATION SUPPORT PROGRAM IS BASED, TO INCREASE THE STATE'S SHARE OF REIMBURSABLE TRANSPORTATION COSTS OF THE TRANSPORTATION SUPPORT PROGRAM AND TO REVISE A CRITERION TO QUALIFY FOR A HARDSHIP BUS RUN; AND AMENDING SECTION 33-5208, IDAHO CODE, TO REMOVE THE LIMIT ON INCREASES IN PUBLIC CHARTER SCHOOL SUPPORT UNITS AND TO INCREASE THE STATE'S SHARE OF TRANSPORTATION SUPPORT COSTS.

HOUSE BILL NO. 608
BY APPROPRIATIONS COMMITTEE
AN ACT

AN ACT APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2009; AND APPROPRIATING ADDITIONAL MONEYS TO SPECIFIED AGENCIES FOR STATEWIDE SUBSTANCE ABUSE SERVICES FOR FISCAL YEAR 2009.

H 605, H 606, H 607, and H 608 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1434, by State Affairs Committee, was read the first time by title and referred to the State Affairs Committee.

S 1456, S 1457, S 1459, and S 1458, by Finance Committee, were read the first time by title and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

HCR 53, H 549, and H 592, by State Affairs Committee, were read the second time by title and filed for third reading.

HCR 54 and HCR 55, by Education Committee, were read the second time by title and filed for third reading.

H 598 and H 600, by Appropriations Committee, were read the second time by title and filed for third reading.

S 1385, by Local Government and Taxation Committee, was read the second time by title and filed for third reading.

S 1415, as amended, by State Affairs Committee, was read the second time by title and filed for third reading.

S 1324, as amended, **S 1419**, and **SCR 131**, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

S 1380, as amended, **S 1397**, as amended, and **S 1252**, as amended, by Commerce and Human Resources Committee, were read the second time by title and filed for third reading.

S 1451, S 1452, S 1453, and S 1454, by Finance Committee, were read the second time by title and filed for third reading.

H 440, as amended in the Senate, by Transportation and Defense Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 556 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall **H 556** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, LeFavour, Loertscher, Marriott, Mathews, McGeachin, Mortimer, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 64.

NAYS -- Harwood. Total -- 1.

Absent and excused--Bedke, Block, Lake, Luker, Moyle. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 556** passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Roberts asked unanimous consent that **H 464** retain its place on the Third Reading Calendar until Monday, March 10, 2008. There being no objection, it was so ordered.

H 590 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall **H 590** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn,

Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, LeFavour, Loertscher, Marriott, Mathews, McGeachin, Mortimer, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused--Bedke, Block, Lake, Luker, Moyle. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 590** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 595 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 595** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, LeFavour, Loertscher, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused--Bedke, Lake, Luker, McGeachin. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 595** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 596 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 596** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, LeFavour, Loertscher, Marriott, Mathews, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 64.

NAYS -- Barrett, Mortimer. Total -- 2.

Absent and excused--Lake, Luker, McGeachin, Moyle. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 596** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 597 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

The question being, "Shall **H 597** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Marriott, Mathews, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 63.

NAYS -- Barrett, Harwood, Mortimer, Wood(35). Total -- 4. Absent and excused--Luker, McGeachin, Snodgrass. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 597** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 569 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall **H 569** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused--Luker, McGeachin. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 569** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 577 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Labrador to open debate.

Mr. Nielsen asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 577**. There being no objection, it was so ordered.

The question being, "Shall **H 577** pass?"

Roll call resulted as follows:

AYES -- Anderson, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bowers, Brackett, Bradford, Chadderdon, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Kren, Labrador, Lake, LeFavour, Loertscher, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Patrick, Roberts, Schaefer, Shepherd(02), Shepherd(08), Snodgrass, Stevenson, Thayn, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 43.

NAYS -- Andrus, Bock, Boe, Bolz, Chavez, Chew, Durst, Henbest, Henderson, Jaquet, Killen, King, Pasley-Stuart, Pence, Raybould, Ringo, Ruchti, Rusche, Saylor, Shirley, Shively, Smith(30), Smith(24), Thomas, Trail. Total -- 25.

Absent and excused--Luker, McGeachin. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 577** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 579 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.

The question being, "Shall **H 579** pass?"

Roll call resulted as follows:

AYES -- Anderson, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bowers, Brackett, Bradford, Chadderdon, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Kren, Lake, LeFavour, Loertscher, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Patrick, Roberts, Schaefer, Shepherd(02), Shepherd(08), Snodgrass, Thayn, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 39.

NAYS -- Andrus, Black, Bock, Boe, Bolz, Chavez, Chew, Clark, Durst, Henbest, Henderson, Jaquet, Killen, King, Mortimer, Pasley-Stuart, Pence, Raybould, Ringo, Ruchti, Rusche, Saylor, Shirley, Shively, Smith(30), Smith(24), Stevenson, Thomas, Trail. Total -- 29.

Absent and excused--Labrador, Luker. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 579** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 586 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Snodgrass to open debate.

The question being, "Shall **H 586** pass?"

Roll call resulted as follows:

AYES -- Anderson, Bedke, Bell, Black, Block, Bock, Boe, Brackett, Bradford, Chavez, Chew, Durst, Eskridge, Hagedorn, Henbest, Henderson, Jaquet, Killen, King, Labrador, Lake, LeFavour, Mathews, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Trail, Vander Woude, Wills. Total -- 42.

NAYS -- Andrus, Barrett, Bayer, Bilbao, Bolz, Bowers, Chadderdon, Clark, Collins, Crane, Hart, Harwood, Kren, Loertscher, Marriott, Mortimer, Nielsen, Patrick, Schaefer, Shepherd(02), Shepherd(08), Thayn, Thomas, Wood(27), Wood(35), Mr. Speaker. Total -- 26.

Absent and excused--Luker, McGeachin. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 586** passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, March 10, 2008. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:00 a.m., Monday, March 10, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:44 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk